

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

**MICHAEL WAYNE WITCHER,
#210578**

PLAINTIFF

V.

CASE NO. 4:20-CV-139-KGB-BD

JOHN STALEY, *et al.*

DEFENDANTS

RECOMMENDED DISPOSITION

I. Procedure for Filing Objections:

This Recommendation for dismissal has been sent to Judge Kristine G. Baker. Mr. Witcher may file written objections if he disagrees with the findings or conclusions set out in the Recommendation. If objections are filed, they should be specific and should include the factual or legal basis for the objection.

To be considered, objections must be received in the office of the Court Clerk within 14 days. If no objections are filed, Judge Baker can adopt this Recommendation without independently reviewing the record. By not objecting, Mr. Witcher may waive any right to appeal questions of fact.

II. Discussion:

On February 7, 2020, Michael Wayne Witcher, an inmate in the Lonoke County Detention Facility (Detention Facility), filed this lawsuit without the help of a lawyer under 42 U.S.C. § 1983. (Doc. No. 1) Mr. Witcher later filed an *in forma pauperis* (IFP) application, but he did not include a jail account information sheet signed by an authorized official. (Doc. No. 3)

The Court denied Mr. Witcher's motion to proceed IFP and instructed him to address his filing fee requirement by filing a complete IFP application or by paying a \$400 fee within thirty days of February 26, 2020. (Doc. No. 5) The Court specifically cautioned Mr. Witcher that his claims could be dismissed, without prejudice, if he failed to satisfy the filing fee requirement within the time allowed.

As of this date, Mr. Witcher has not filed a complete IFP application or paid the filing fee. The time allowed for Mr. Witcher to respond to the Court's February 26 Order has expired.

III. Conclusion:

The Court recommends that Mr. Witcher's claims be DISMISSED, without prejudice, based on his failure to comply with the Court's February 26, 2020 Order and his failure to prosecute this lawsuit.

DATED this 27th day of March, 2020.


UNITED STATES MAGISTRATE JUDGE